

**SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 28, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Jones, Schaefer. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Sarah Ashmead, Page.

Approval of Journal

January 28, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

January 27, 2004

Mr. Speaker:

I transmit herewith **SCR 119** which has passed the Senate.

WOOD, Secretary

SCR 119 was filed for first reading.

Report of Standing Committees

January 28, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 544, H 545, H 546, H 547, H 548, H 549, H 550, H 551, H 552, H 553, H 554, H 555, H 556, H 557, H 558, H 559, H 560, H 561, H 562, H 563, H 564, H 565, H 566, and H 567.**

FIELD(18), Chairman

H 544 was referred to the Environmental Affairs Committee.

H 545 was referred to the Commerce and Human Resources Committee.

H 546, H 547, H 548, and H 549 were referred to the Agricultural Affairs Committee.

H 550 and H 567 were referred to the Revenue and Taxation Committee.

H 551, H 552, and H 553 were referred to the Health and Welfare Committee.

H 554 was referred to the Local Government Committee.

H 555, H 556, H 558, H 559, H 560, H 561, H 562, H 563, and H 564 were referred to the State Affairs Committee.

H 557 was referred to the Judiciary, Rules, and Administration Committee.

H 565 and H 566 were filed for second reading.

January 28, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 501 and H 535** and recommend that they do pass.

DEAL, Chairman

H 501 and H 535 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 36

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND
RECOGNIZING FEBRUARY 6 AS RONALD REAGAN DAY
IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the fortieth President of the United States of America, the second of which he earned the confidence of three-fifths of the electorate and was victorious in forty-nine of the fifty states in the general election -- a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world and prepared America's armed forces to meet twenty-first century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, on February 6, 2004, Ronald Reagan will have reached the age of ninety-three years.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature hereby recognizes February 6, 2004, and subsequent yearly anniversaries thereafter as "Ronald Reagan Day."

**HOUSE JOINT MEMORIAL NO. 13
BY TRAIL**

A JOINT MEMORIAL

TO THE HONORABLE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-seventh Idaho Legislature, do hereby respectfully represent that:

WHEREAS, increasingly, we have been made aware of the prevalence of child slavery in areas throughout the world; and

WHEREAS, while estimates are necessarily uncertain due to the hidden nature of the practice, the most recent findings reveal a tragedy of far greater magnitude than was earlier suspected; and

WHEREAS, some 211 million children between the ages of 5 and 14 are working in developing countries, which includes children engaged in activities ranging from part-time work on family farms to children enslaved in hazardous and forced labor; and

WHEREAS, in the category of children engaged in the worst forms of child labor, it is estimated that 1,200,000 were trafficked, 5,700,000 were in forced and bonded labor, 300,000 were engaged in armed conflict, 1,800,000 were involved in prostitution and pornography, and 600,000 were involved in other illicit activities such as drug trafficking; and

WHEREAS, an additional 170,000,000 children were engaged in hazardous work which constituted a danger to their life or health; and

WHEREAS, in addition to the significant moral and ethical issues surrounding such use and abuse of children, the losses to society due to failure to educate and nourish these children and employ their talents in positive and productive contributions are profound; and

WHEREAS, Idahoans, as responsible citizens of the world, cannot fail to voice strong opposition and abhorrence of all

practices which violate the rights of children.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the President of the United States and the Congress of the United States to take action in every appropriate forum to address the tyranny of child slavery. In world organizations in which the United States is a participant as well as through American businesses which operate internationally, every opportunity should be exercised to alleviate conditions which are unhealthy, illegal and immoral to assure a future of fulfillment for the children of the world.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

HCR 36 and **HJM 13** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 119, by Agricultural Affairs Committee, was introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 568
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO MANUFACTURED AND MOBILE HOMES; AMENDING THE HEADING FOR CHAPTER 21, TITLE 44, IDAHO CODE; AMENDING SECTION 44-2101, IDAHO CODE, TO DELETE REFERENCE TO THE TERM MANUFACTURED HOME BROKER AND TO PROVIDE REFERENCE TO MANUFACTURED HOME INSTALLER; AMENDING SECTION 44-2101A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 44-2102, IDAHO CODE, TO DELETE REFERENCE TO THE TERM BROKER; AMENDING SECTION 44-2103, IDAHO CODE, TO PROVIDE REFERENCE TO INSTALLERS AND RESPONSIBLE MANAGING EMPLOYEES, TO REVISE MAXIMUM FEES, TO DELETE REFERENCE TO MANUFACTURED HOME BROKER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 44-2106, IDAHO CODE, TO DELETE REFERENCE TO MANUFACTURED HOME BROKER AND TO PROVIDE APPLICATION TO MANUFACTURED HOME INSTALLER; AND AMENDING SECTION 67-2601, IDAHO CODE, TO DELETE REFERENCE TO MANUFACTURED HOME BROKER AND TO PROVIDE REFERENCE TO MANUFACTURED HOME INSTALLER.

**HOUSE BILL NO. 569
BY BUSINESS COMMITTEE**

AN ACT

RELATING TO ELEVATOR SAFETY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 86, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO SET FORTH LEGISLATIVE FINDINGS AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR ENFORCEMENT AND RULEMAKING AUTHORITY, TO PROVIDE SCOPE AND EXEMPTIONS, TO REQUIRE THAT INSTALLATION AND PERIODIC INSPECTIONS BE PERFORMED BY CERTAIN PERSONS, TO REQUIRE PERMITS, TO PROVIDE FOR THE SUBMISSION OF PERMIT APPLICATIONS, TO REQUIRE POSTING OF PERMITS, TO PROVIDE EXCEPTIONS, TO PROVIDE THAT PERMITS AND INSPECTIONS ARE NOT EXCLUSIVE REQUIREMENTS, TO PROVIDE FOR THE RESPONSIBILITY FOR OPERATION AND MAINTENANCE OF EQUIPMENT AND PERIODIC TESTS, TO PROVIDE FOR TEMPORARY CERTIFICATES TO OPERATE, TO PROVIDE FOR CERTIFICATES TO OPERATE, TO PROVIDE THAT OPERATION OF A CONVEYANCE WITHOUT A CERTIFICATE MAY BE ENJOINED, TO SET FORTH PROVISIONS RELATING TO THE AUTHORITY OF THE ADMINISTRATOR TO ORDER THE DISCONTINUANCE OF CERTAIN OPERATIONS, TO ADOPT SAFETY CODES, TO REQUIRE INSPECTIONS AND TESTS, TO SET FORTH FEE SCHEDULES, TO PROVIDE FOR ANNUAL RENEWAL OF CERTIFICATES, TO PROVIDE FOR INSPECTION REPORTS, TO PROVIDE THAT VIOLATIONS CONSTITUTE MISDEMEANORS AND TO SET FORTH PUNISHMENT, TO PROVIDE FOR CIVIL PENALTIES, TO REQUIRE NOTICE OF VIOLATIONS, TO SET FORTH NONLIABILITY PROVISIONS AND TO SET FORTH PROVISIONS RELATING TO ACCIDENTS; AMENDING SECTION 39-4109, IDAHO CODE, TO REMOVE A REFERENCE TO AN ELEVATOR AND ESCALATOR SAFETY CODE; AND AMENDING SECTION 72-720, IDAHO CODE, TO REMOVE A REFERENCE TO ELEVATORS.

HOUSE BILL NO. 570
BY BUSINESS COMMITTEE

AN ACT

RELATING TO RESIDENTIAL MORTGAGE PRACTICES; AMENDING SECTION 26-3103, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR AGENTS WHO ACT UNDER AN EXCLUSIVE CONTRACT WITH NO MORE THAN ONE LICENSEE ON A FULL-TIME OR PART-TIME BASIS.

HOUSE BILL NO. 571
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO DRUG COURT FEES; AMENDING SECTION 31-3201E, IDAHO CODE, TO REVISE TERMINOLOGY, TO MAKE GRAMMATICAL CHANGES, TO PROVIDE THAT MONEYS IN THE COUNTY DRUG COURT FUND MAY BE EXPENDED FOR PRIVATE COUNSELING SERVICES, TO PROVIDE THAT THE

FAILURE TO PAY THE DRUG COURT FEE MAY CONSTITUTE GROUNDS FOR TERMINATION FROM DRUG COURT, TO PROVIDE THAT TERMINATION SHALL NOT BE THE EXCLUSIVE REMEDY FOR FEE COLLECTION, TO PROVIDE THAT CERTAIN UNPAID DRUG COURT FEES SHALL BE ORDERED BY THE COURT IN THE JUDGMENT OF CONVICTION UNLESS WAIVED BASED UPON A PERSON'S INABILITY TO PAY THE FEE, TO PROVIDE THAT THE DRUG COURT FEE SHALL BE IN ADDITION TO ALL OTHER FINES AND FEES LEVIED AND TO PROVIDE THAT PAYMENT OF THE FEE MAY BE ORDERED AS A TERM AND CONDITION OF PROBATION; AND AMENDING CHAPTER 56, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-5608, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF A DRUG COURT FEE.

HOUSE BILL NO. 572
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO DAY CARE FACILITIES; AMENDING SECTION 39-1105, IDAHO CODE, TO REVISE REQUIREMENTS FOR CRIMINAL HISTORY CHECKS; AMENDING CHAPTER 11, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1113A, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ARE NOT PERMITTED ON THE PREMISES OF A DAY CARE FACILITY, TO PROVIDE CRIMINAL AND CIVIL PENALTIES AND TO PROVIDE PROCEDURES FOR A CIVIL ENFORCEMENT ACTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 573
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE

AN ACT

RELATING TO THE CRIME OF STALKING; AMENDING SECTION 18-920, IDAHO CODE, TO PROVIDE A CODE REFERENCE; REPEALING SECTION 18-7905, IDAHO CODE, RELATING TO STALKING; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7905, IDAHO CODE, TO PROVIDE FOR THE CRIME OF STALKING IN THE FIRST DEGREE, TO DEFINE TERMS AND TO SET FORTH PUNISHMENT; AMENDING CHAPTER 79, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7906, IDAHO CODE, TO PROVIDE FOR STALKING IN THE SECOND DEGREE, TO DEFINE TERMS AND TO SET FORTH PUNISHMENT; AND AMENDING SECTION 19-603, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND DESCRIPTIVE LANGUAGE.

HOUSE BILL NO. 574
BY TRAIL

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-407, IDAHO CODE, TO PERMIT HOLDERS OF YOUTH LICENSES TO HUNT TURKEYS; AMENDING

SECTION 36-412, IDAHO CODE, TO AUTHORIZE A REDUCED COST LICENSE TO JUNIOR AGED GRADUATES OF HUNTER SAFETY COURSES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 575

BY TRAIL

AN ACT

RELATING TO IMMUNITY FOR THE USE OF DEFIBRILLATORS; AMENDING SECTION 5-337, IDAHO CODE, TO REVISE THE DEFINITION OF "DEFIBRILLATOR," TO REMOVE REFERENCES TO DEFIBRILLATORS ACQUIRED PURSUANT TO A PRESCRIPTION, TO REMOVE THE REQUIREMENT TO REPORT THE CLINICAL USE OF A DEFIBRILLATOR TO A PRESCRIBING PHYSICIAN AND TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 576

BY TRAIL

AN ACT

RELATING TO ELECTIONS OF HIGHWAY COMMISSIONERS; AMENDING SECTION 40-1305, IDAHO CODE, TO PROVIDE FOR THE ELECTION OF HIGHWAY COMMISSIONERS BY SUBDISTRICT AND TO MAKE A TECHNICAL CHANGE.

HOUSE BILL NO. 577

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO WINE SAMPLE TASTING; AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1325C, IDAHO CODE, TO PROVIDE THAT WINERIES AND VINTNERS MAY CONDUCT OR ASSIST IN WINE SAMPLE TASTINGS, TO PROVIDE THAT HOLDERS OF RETAIL WINE LICENSES OR WINE BY THE DRINK LICENSES MAY CONDUCT WINE SAMPLE TASTING EVENTS, TO PROVIDE THAT A WINE BY THE DRINK LICENSE SHALL NOT BE REQUIRED UNDER CERTAIN CIRCUMSTANCES, TO SET FORTH REQUIREMENTS APPLICABLE TO SAMPLE TASTING EVENTS, TO SET FORTH ADDITIONAL REQUIREMENTS FOR VINTNER OR WINERY CONDUCTED SAMPLE TASTINGS, TO PROVIDE FOR RETAILER CONDUCTED WINE SAMPLE TASTINGS AND TO PROVIDE THAT PARTICIPATION IN AN AUTHORIZED WINE SAMPLE TASTING EVENT SHALL NOT CONSTITUTE PROHIBITED CONDUCT OR UNLAWFUL AID TO A RETAILER.

HOUSE JOINT RESOLUTION NO. 5

BY REVENUE AND TAXATION COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO FINANCE AND REVENUE, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, TO PROVIDE THAT ANY ACTION TAKEN BY THE

LEGISLATURE THAT WOULD INCREASE THE RATE OF THE STATE SALES AND USE TAX, THE STATE INDIVIDUAL INCOME TAX, AND THE STATE CORPORATE OR FRANCHISE TAX, SHALL BE APPROVED BY TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES, TWO-THIRDS OF THE ENTIRE MEMBERSHIP OF THE SENATE, AND THE GOVERNOR; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

H 568, H 569, H 570, H 571, H 572, H 573, H 574, H 575, H 576, H 577, and HJR 5 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 474, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11:15 a.m., Thursday, January, 29, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:29 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk